

**REMARKS**

Claims 1 and 6 have been editorially revised. New claims 21-26 have been added. The application as amended contains claims 1, 3, 5, 6, 8, 10, 11, 13, 15, 16, 18 and 20-26 – eight independent claims and a total of eighteen claims. No fee should be required for the new claims. Applicant previously paid for the presentation of eight independent claims and a total of twenty claims. Support for the new claims appears in the specification, including page 14, line 24 – page 15, line 6, page 16, lines 1-7, page 17, line 25 – page 18, line 3, and page 19, lines 10-15, although the scope of the claimed invention should be determined by the claims, and not by features that are described or shown only elsewhere.

Claims 1, 3, 5, 6, 8, 10, 11, 13, 15, 16, 18 and 20 are rejected under 35 U.S.C. § 103 as being unpatentable over Tosaki in view of Inchalik. Reconsideration is respectfully requested.

The present invention relates to a method of handling a rewritable storage medium. In operation, specific information is acquired from a read-only area (page 14, line 24 – page 15, line 6). Then, based on the acquired information, a determination is made as to whether the contents of the medium are authorized (Step S3; Fig. 1; page 15, lines 15-18). A disk drive starting process is permitted to run (Step S4) when the authorization is determined to be correct (“Yes” at Step S3), whereas the starting process is inhibited (Step S5) when the authorization is determined to be incorrect (“No” at Step S3). If the rewritable medium is located in a read-only drive, where acquisition of the specific information is not possible, then the starting process is permitted to run (Step S4 via Step S6) based on error information (“Yes” at Step S6; page 15, line 25 – page 16, line 8).

Tosaki refers to a disk 1 that has first and second control data areas 3, 15. The first control data area 3 has encryption key information recorded thereon, and also other information embossed thereon, so that encryption key information from another disk cannot be copied onto the disk 1 (¶ 11, lines 6+). The second control area 15 contains disk production and physical format

information, without the key information (§ 32, lines 19+). Tosaki also refers to a wobble detecting means for identifying “whether the optical disk is writable” (§ 35, lines 11-13).

Claim 1 says that “authorization of [a] medium is determined based on . . . error information obtained in [an] acquiring step,” where the “acquiring step” includes “acquiring . . . information . . . from . . . [a] read-only area.” These are important aspects of the claimed invention. Tosaki fails to disclose or suggest authorization of a medium based on error information in the manner recited in claim 1. Inchalik is cited for other features. Therefore, the claim should be allowable over Tosaki and Inchalik, even when the references are considered together.

According to the Office Action, page 2, a kind of error information might be generated by the Tosaki wobble detecting means. Tosaki does not say, however, that the wobble detecting means generates any kind of error information. The detecting means is said to be useful in identifying “whether the optical disk is writable” (§ 35). In any event, the medium of claim 1 is writable – it is a “rewritable storage medium.” Applicant respectfully submits, there is nothing in Tosaki to suggest that its wobble detecting means generates error information with respect to a writable medium, much less that any such error information is used to authorize the writable medium, much less that any such error information is obtained in a step of acquiring specific information from a read-only area, in circumstances where acquisition of the specific information is impossible, all as recited in claim 1.

Independent claim 3 is readable on the embodiment illustrated in Fig. 2, although the claimed invention should not be limited to the illustrated embodiment. According to claim 3, when acquisition of first specific information from a wobbling groove is impossible (“No” at Step S10), and acquisition of second specific information from a read-only area is possible (“Yes” at Step S9), then medium authorization is determined based on (1) error information obtained in the first acquiring step (“No” at Step S10 and “Yes” at Step S12) and (2) the second specific information (Step S16).

Tosaki fails to disclose or suggest the authorization step recited in the last paragraph of claim 3. Inchalik is relied upon for other features. Therefore, claim 3 should be allowable over the references, even when they are considered in combination.

The Office Action, page 5, argues that the Tosaki system undertakes a “judgment . . . based on whether wobble, in both first and second data areas, exists or not, in addition to the error signals in Paragraph 41.” Tosaki does not say, however, that it undertakes a judgment based on whether wobble, in both first and second data areas, exists or not. Rather, it appears the Tosaki detecting means is used for identification. Moreover, the error signals mentioned in ¶ 41 are “focus error signals [and] tracking error signals” (¶ 41, line 15). The focus and tracking error signals are used by Tosaki to operate the optical pickup 4 during reading (¶ 41, lines 16-17). They do not provide a basis for determining whether a medium is authorized.

Applicant respectfully submits, the Office Action’s argument with respect to claim 3 overstates the Tosaki disclosure, and it does not take into account all of the related limitations recited in the claim. Tosaki does not disclose or suggest that its wobble detecting means (or any focus/tracking error signal generators) operate as recited in the last paragraph of claim 3, where acquisition of specific information from a wobbling groove is impossible, and acquisition of information from a read-only area is possible, and a medium is authorized based on (1) error information obtained in acquiring information from the wobbling groove and (2) the information acquired from the read-only area.

Claim 5 depends from claim 3 and should be allowable along with claim 3 and for other reasons. Claims 6, 8, 10, 11, 13, 15, 16, 18 and 20 recite limitations similar to those discussed above, and should be allowable for those and other reasons.

Moreover, please note that claim 18 recites a “read-only optical disk drive” having various features. A read-only drive is one which reads only (does not record). This is an important aspect of the invention. Please refer, for example, to Applicant’s specification, page 5, lines 11-14.

Neither Tosaki nor Inchalik disclose or suggest the read-only drive of claim 18. Therefore, this is an additional reason why claim 18 (and dependent claim 20) should be allowable.

The arguments in the Office Action, page 8, concerning claim 18, are not understood. It might be that the Office Action attempts to argue that any drive that can read a read-only area can be called a read-only drive. The claim, however, says that the drive is read-only. Under even the broadest reasonable interpretation, without being inconsistent with the specification, this means that the drive reads only. Further, the reference in the Office Action, page 8, to ¶ 23 of Tosaki is not understood. There does not appear to be anything relevant in that paragraph.

In view of the above, Applicant believes the pending application is in condition for allowance.

Dated: October 3, 2007

Respectfully submitted,

By 

Mark J. Thronson

Registration No.: 33,082

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-4742

Attorney for Applicant